

Message Text

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ACTION L-03

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FM AMEMBASSY WARSAW

TO SECSTATE WASHDC PRIORITY 2836

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E.O. 11652: N/A

TAGS: PFOR, CGEN, PL (ZYGMUNT HOLY)

SUBJECT: PROPOSED NOTE PROTESTING POLISH FAILURE TO OBSERVE
CONSULAR CONVENTION

1. UNLESS INSTRUCTED TO THE CONTRARY, THE EMBASSY PROPOSES TO SEND THE

FOLLOWING NOTE TO THE MINISTRY OF FOREIGN AFFAIRS ON JULY 29, 1976:

2. BEGIN TEXT:

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE POLISH PEOPLE'S REPUBLIC AND HAS THE HONOR TO CALL THE MINISTRY'S ATTENTION TO THE MANNER IN WHICH THE AMERICAN CITIZEN, DR. ZYGMUNT HOLY, WAS DEPORTED FROM POLAND ON JUNE 26, 1976. FROM THE MOMENT DR. HOLY WAS REMANDED TO THE CUSTODY OF THE OPOLE MILITIA BY THE PENAL AUTHORITIES AT APPROXIMATELY 6:30 P.M. ON JUNE 25, 1976, UNTIL HIS DEPARTURE FROM POLAND AT 9:30 A.M. JUNE 26, 1976, THE POLISH AUTHORITIES CONSCIOUSLY ACTED TO DENY ACCESS TO DR. HOLY BY AMERICAN CONSULAR OFFICERS AND EITHER REFUSED TO PROVIDE ANY INFORMATION CONCERNING THE FORMALITIES OF THE DEPORTATION OR PURPOSELY MISLED THESE OFFICIALS WHEN THEY REQUESTED SPECIFIC INFORMATION.

3. VICE CONSUL PATRICK J. NICHOLS OF THE UNITED STATES CONSULATE IN KRAKOW, WHO HAD FULLY IDENTIFIED HIMSELF AS A UNITED STATES CONSULAR OFFICER ON OFFICIAL BUSINESS, WAS TREATED IN A RUDE AND LIMITED OFFICIAL USE

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INSULTING MANNER BY OFFICIALS OF THE OPOLE MILITIA HEADQUARTERS ON

JUNE 25, 1976. HAVING OBSERVED THREE MEN IN CIVILIAN CLOTHING IN AN UNMARKED CAR TAKE DR. HOLY FROM ZAKLAD KARNY NO. 1 IN STRZELCE OPOLSKIE TO THE OPOLE VOIVODSHIP MILITIA HEADQUARTERS, VICE CONSUL NICHOLS ENTERED THE LATTER BUILDING AND REQUESTED INFORMATION ABOUT DR. HOLY. NOT ONLY DID THE TWO MILITIA OFFICIALS HE ENCOUNTERED DENY ANY KNOWLEDGE OF ANY AMERICAN CITIZEN BEING IN THE CUSTODY OF THE

OPOLE MILITIA, THEY ALSO RIDICULED VICE CONSUL NICHOLS FOR EVEN HAVING

POSED THE QUESTION. VICE CONSUL NICHOLS THEN RECOGNIZED ONE OF THE MEN WHO HAD TAKEN DR. HOLY FROM THE PRISON LEAVING ANOTHER ROOM IN THE MILITIA BUILDING AND ASKED HIM ABOUT DR. HOLY. THIS OFFICIAL SAID THAT DR. HOLY WOULD BE TAKEN TO WARSAW THE FOLLOWING MORNING AND PLACED ON A FLIGHT LEAVING AT 10:30 A.M. FOR NEW YORK. HE WOULD NOT SPECIFY WHAT FLIGHT OR WHAT ROUTE THE FLIGHT WOULD FOLLOW TO NEW YORK

IN RESPONSE TO VICE CONSUL NICHOLS'S QUESTION, THIS INDIVIDUAL STATED THAT DR. HOLY POSSESSED A VALID UNITED STATES PASSPORT. THIS OFFICIAL,

WHO REFUSED TO IDENTIFY HIMSELF, THEN SCORNFULLY REFUSED VICE CONSUL NICHOLS'S REQUEST TO SEE DR. HOLY, AND, WHEN VICE CONSUL NICHOLS CITED

ARTICLE 29 OF THE U.S.-POLISH CONSULAR CONVENTION, THIS INDIVIDUAL CHALLENGED VICE CONSUL NICHOLS TO LODGE AN OFFICIAL PROTEST WITH THE MINISTRY OF FOREIGN AFFAIRS IN WARSAW AND ORDERED HIM TO LEAVE THE BUILDING.

4. VICE CONSUL MICHAEL R. DAVIDSON OF THE EMBASSY IN WARSAW, STILL HAVING RECEIVED NO OFFICIAL NOTIFICATION OF THE TIME AND MANNER OF DR. HOLY'S DEPORTATION, ATTEMPTED TO GET IN TOUCH WITH OFFICIAL AT THE MINISTRY OF FOREIGN AFFAIRS AT 8:45 A.M. JUNE 26, 1976. HE WAS INFORMED THAT DIRECTOR OF THE CONSULAR DEPARTMENT WEDROWSKI WAS OUT OF TOWN AND THAT VICE DIRECTOR KOPA WOULD NOT BE AVAILABLE UNTIL 9:30 A.M. KNOWING THAT THE FIRST LOT FLIGHT WHICH COULD MAKE CONNECTIONS TO NEW YORK WAS TO DEPART FROM WARSAW AT 9:35 A.M., VICE CONSUL DAVIDSON AT 9:05 A.M. CALLED THE BORDER CONTROL (WOJSKA OCHRONY POGRANICZA) OFFICE AT OKECIE INTERNATIONAL AIRPORT AND INQUIRED IF THAT OFFICE WAS AWARE OF ANY AMERICAN CITIZEN BEING DEPORTED THAT MORNING. AFTER ALLEGEDLY CHECKING WITH RESPONSIBLE WOP AUTHORITIES, THE WOP SPOKESMAN DENIED ANY KNOWLEDGE WHATSOEVER LIMITED OFFICIAL USE

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OD DR. HOLY'S DEPORTATION. VICE CONSUL DAVIDSON THEN WENT TO THE AIRPORT, ARRIVING THERE AT 9:25 A.M., AND LEARNED THAT THE LOT FLIGHT TO FRANKFURT HAD ALREADY LEFT. LOT OFFICIALS STATED THAT DR. HOLY HAD NOT BEEN ABOARD. HOWEVER, WHEN VICE CONSUL DAVIDSON WENT TO THE WOP OFFICE AT THE AIRPORT, THE DIRECTOR OF THAT OFFICE INFORMED HIM THAT DR. HOLY HAD, INDEED, LEFT ON THE LOT FLIGHT. THIS OFFICIAL ALSO ASSURED VICE CONSUL DAVIDSON THAT DR. HOLY HAD POSSESSED

A VALID UNITED STATES PASSPORT.

5. THE EMBASSY SUBSEQUENTLY LEARNED THAT, CONTRARY TO THE STATEMENTS OF TWO RESPONSIBLE POLISH OFFICIALS, DR. HOLY'S PASSPORT HAD EXPIRED.

THUS, HE HAD BEEN PLACED ON AN INTERNATIONAL FLIGHT WITHOUT A VALID TRAVEL DOCUMENT. THE EMBASSY HAD BEEN PREPARED TO ISSUE DR. HOLY A NEW PASSPORT IN ACCORDANCE WITH U.S. AND INTERNATIONAL LAW AND PRACTICE.

6. THE BEHAVIOR OF THE POLISH AUTHORITIES IN THIS MATTER WAS CLEARLY IN CONTRAVENTION OF THE CONSULAR CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC OF MAY 31, 1972. SPECIFICALLY, IT VIOLATED ARTICLE 23; ARTICLE 25 (A); ARTICLE 29, PARAGRAPHS 1, 5, AND 6, AND ARTICLE 36.

7. THE EMBASSY IS UNABLE TO COMPREHEND THE MOTIVATIONS FOR THESE RUDE UNFRIENDLY, AND DISRESPECTFUL ACTIONS AND ATTITUDES OF THE POLISH AUTHORITIES. THE EMBASSY CANNOT FAIL TO PROTEST THESE ACTIONS AND ATTITUDES AS COMPLETELY CONTRARY TO THE GOOD RELATIONS EXISTING BETWEEN THE TWO COUNTRIES IN MOST OTHER FIELDS OF COMMON INTEREST.
END TEXT.
DAVIES

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